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From: Carrie Parker Legal Assistant to Vicky Ash	No. of Pages Including Cover Sheet: 38
Message: Enclosed herewith: <ul style="list-style-type: none">• Transmittal Document; and• Appeal Brief.	
Re: Application No. 09/915,433 Attorney Docket No: AUS920010556US1	
Date: Tuesday, August 09, 2005	
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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Hamilton, II et al.**Serial No.: **09/915,433**Filed: **July 26, 2001**For: **Preemptive Downloading of Web
Pages with Terms Associated with
User Interest Keywords**§
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§Group Art Unit: **2176**Examiner: **Tran, Quoc A.**Attorney Docket No.: **AUS920010556US1**Certificate of Transmission Under 37 C.F.R. § 1.8(a)I hereby certify this correspondence is being transmitted via facsimile to
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By:

Carrie Parker
Carrie Parker

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P.O. Box 1450
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ENCLOSED HEREWITH:

- Appeal Brief (37 C.F.R. 41.37).

A fee of \$500.00 is required for filing an Appeal Brief. Please charge this fee to IBM Corporation Deposit Account No. 09-0447. No additional fees are believed to be necessary. If, however, any additional fees are required, I authorize the Commissioner to charge these fees which may be required to IBM Corporation Deposit Account No. 09-0447. No extension of time is believed to be necessary. If, however, an extension of time is required, the extension is requested, and I authorize the Commissioner to charge any fees for this extension to IBM Corporation Deposit Account No. 09-0447.

Respectfully submitted,

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08/11/2005 ZJUHR1 00000002-090447 09915433

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Docket No. AUS920010556US1

PATENT

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of: **Hamilton, II et al.**

Serial No. **09/915,433**

Filed: **July 26, 2001**

For: **Preemptive Downloading of Web
Pages with Terms Associated with
User Interest Keywords**

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Group Art Unit: 2176

Examiner: Tran, Quoc A.

**Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450**

Certificate of Transmission Under 37 C.F.R. § 1.8(a)

I hereby certify this correspondence is being transmitted via facsimile to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, facsimile number (571) 273-8300 on August 9, 2005.

By:

Carrie Parker
Carrie Parker

APPEAL BRIEF (37 C.F.R. 41.37)

This brief is in furtherance of the Notice of Appeal, filed in this case on July 19, 2005.

The fees required under § 41.20(B)(2), and any required petition for extension of time for filing this brief and fees therefore, are dealt with in the accompanying TRANSMITTAL OF APPEAL BRIEF.

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(Appeal Brief Page 1 of 36)
Hamilton, II et al. - 09/915,433

REAL PARTY IN INTEREST

The real party in interest in this appeal is the following party: International Business Machines Corporation.

RELATED APPEALS AND INTERFERENCES

With respect to other appeals or interferences that will directly affect, or be directly affected by, or have a bearing on the Board's decision in the pending appeal, there are no such appeals or interferences.

STATUS OF CLAIMS

A. TOTAL NUMBER OF CLAIMS IN APPLICATION

Claims in the application are: 1-24

B. STATUS OF ALL THE CLAIMS IN APPLICATION

1. Claims canceled: NONE
2. Claims withdrawn from consideration but not canceled: NONE
3. Claims pending: 1-24
4. Claims allowed: NONE
5. Claims rejected: 1-24
6. Claims objected to: NONE

C. CLAIMS ON APPEAL

The claims on appeal are: 1-24

STATUS OF AMENDMENTS

No amendments were made after the Final Office Action dated April 20, 2005.

(Appeal Brief Page 5 of 36)
Hamilton, II et al. - 09/915,433

SUMMARY OF CLAIMED SUBJECT MATTER**A. CLAIM 1 - INDEPENDENT**

The subject matter of claim 1 is directed to a method in a data processing system (100, 200 and 300) for selecting a Web page (505, 551-556, and 561-563). At least one user interest term (531) is received (see *Specification*, page 13, lines 24-28 and page 16, lines 12-19). Associative terms (533) are identified that are associated with the at least one user interest term (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). The associative terms are weighted in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). A plurality of Web pages are processed using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating (see *Specification*, page 14, line 6 through page 15, line 31; page 18, line 10 through page 20, line 5; and *Figure 7*). The cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The Web page is selected as a Web page having a selected cumulative rating greater than a threshold (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

B. CLAIM 8 - INDEPENDENT

The subject matter of claim 8 is directed to a method in a data processing system (100, 200 and 300) for processing documents. Weights are assigned to a set of terms (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The set of terms (533) is associated with at least one particular term of interest (531) (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). Each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). A document is selected from a group of documents using the weighted set of terms (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

C. CLAIM 11 - INDEPENDENT

The subject matter of claim 11 is directed to a data processing system (100, 200 and 300) comprising a bus system, a communications unit, a memory including a set of instructions, and a processing unit. The communication unit, the memory, and the processing unit are connected to the bus system. The processing unit executes the set of instructions to receive at least one user interest term (531) (see *Specification*, page 13, lines 24-28 and page 16, lines 12-19). The processing unit executes the set of instructions to identify associative terms (533) that are associated with the at least one user interest term (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). The processing unit executes the set of instructions to weigh the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The processing unit executes the set of instructions to process a plurality of Web pages (505, 551-556, and 561-563) using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating (see *Specification*, page 14, line 6 through page 15, line 31; page 18, line 10 through page 20, line 5; and Figure 7). The cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The processing unit executes the set of instructions to select the Web page as a Web page having a selected cumulative rating greater than a threshold (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

D. CLAIM 12 - INDEPENDENT

The subject matter of claim 12 is directed to a data processing system (100, 200 and 300) comprising a bus system, a communications unit, a memory including a set of instructions, and a processing unit. The communication unit, the memory, and the processing unit are connected to the bus system. The processing unit executes the set of instructions to assign weights to a set of terms (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The set of terms (533) is

associated with at least one particular term of interest (531) (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). Each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The processing unit executes the set of instructions to select a document from a group of documents using the weighted set of terms (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

E. CLAIM 13 - INDEPENDENT

The subject matter of claim 13 is directed to a data processing system (100, 200 and 300) for selecting a Web page (505, 551-556, and 561-563). The data processing system provides a means for receiving at least one user interest term (531) (see *Specification*, page 13, lines 24-28 and page 16, lines 12-19). The data processing system provides a means for identifying associative terms (533) that are associated with the at least one user interest term (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). The data processing system provides a means for weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The data processing system provides a means for processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating (see *Specification*, page 14, line 6 through page 15, line 31; page 18, line 10 through page 20, line 5; and Figure 7). The cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The data processing system provides a means for selecting the Web page as a Web page having a selected cumulative rating greater than a threshold (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

F. CLAIM 20 - INDEPENDENT

The subject matter of claim 20 is directed to a data processing system (100, 200 and 300) for processing documents. The data processing system provides a means for assigning weights are assigned to a set of terms (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The set of terms (533) is associated with at least one particular term of interest (531) (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). Each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The data processing system provides a means for selecting a document from a group of documents using the weighted set of terms (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

G. CLAIM 23 - INDEPENDENT

The subject matter of claim 23 is directed to a computer program product in a computer readable medium for selecting a Web page (505, 551-556, and 561-563). The computer program product provides instructions for receiving at least one user interest term (531) (see *Specification*, page 13, lines 24-28 and page 16, lines 12-19). The computer program product provides instructions for identifying associative terms (533) that are associated with the at least one user interest term (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). The computer program product provides instructions for weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The computer program product provides instructions for processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating (see *Specification*, page 14, line 6 through page 15, line 31; page 18, line 10 through page 20, line 5; and **Figure 7**). The cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The computer program product provides instructions for selecting the Web page as a Web page having a selected cumulative rating greater

than a threshold (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

H. CLAIM 24 - INDEPENDENT

The subject matter of claim 24 is directed to a computer program product in a computer readable medium for processing documents. The computer program product provides instructions for assigning weights are assigned to a set of terms (see *Specification*, page 15, lines 1-18 and page 17, lines 6-10). The set of terms (533) is associated with at least one particular term of interest (531) (see *Specification*, page 14, lines 1-6 and page 17, lines 1-6). Each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest (see *Specification*, page 15, lines 14-18 and page 17, lines 4-11). The computer program product provides instructions for selecting a document from a group of documents using the weighted set of terms (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

I. CLAIM 5 - DEPENDENT

The subject matter of claim 5, which depends from claim 1, is directed to a method wherein the cumulative rating of the particular Web page is 100 percent minus the probability that the particular Web page is irrelevant, and wherein the probability that the particular Web page is irrelevant is determined by multiplying differences between 100 percent and each of the set of weighted associative terms (see *Specification*, page 18, line 7 through page 19, line 16).

J. CLAIM 7 - DEPENDENT

The subject matter of claim 7, which depends from claim 1, is directed to a method comprising identifying additional associative terms using parsing logic, wherein the additional associative terms are associated with at least one subject matter term gathered from a displayed Web page selected by a user (see *Specification*, page 13, line 29 through page 14, line 6).

K. CLAIM 10 - DEPENDENT

The subject matter of claim 10, which depends from claim 8, is directed to a method wherein the selecting step of claim 8 comprises generating a cumulative weight for each document within the group of documents, wherein the cumulative weight is 100 percent minus the probability that a particular document is irrelevant, and wherein the probability that a particular document is irrelevant is determined by multiplying differences between 100 percent and the weights for each term within the weighted set of terms (see *Specification*, page 18, line 7 through page 19, line 16). The cumulative weight for each document is compared with a threshold. The document is selected as a selected document having a weight cumulative weight greater than the threshold (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

L. CLAIM 17 - DEPENDENT

The subject matter of claim 17, which depends from claim 13, is directed to a data processing system wherein the cumulative rating of the particular Web page is 100 percent minus the probability that the particular Web page is irrelevant, and wherein the probability that the particular Web page is irrelevant is determined by multiplying differences between 100 percent and each of the set of weighted associative terms (see *Specification*, page 18, line 7 through page 19, line 16).

M. CLAIM 19 - DEPENDENT

The subject matter of claim 19, which depends from claim 13, is directed to a data processing system that provides a means for identifying additional associative terms using parsing logic, wherein the additional associative terms are associated with at least one subject matter term gathered from a displayed Web page selected by a user (see *Specification*, page 13, line 29 through page 14, line 6).

N. CLAIM 22 - DEPENDENT

The subject matter of claim 22, which depends from claim 20, is directed to a data processing system wherein the selecting step of claim 20 comprises means for generating a cumulative weight for each document within the group of documents, wherein the cumulative weight is 100 percent minus the probability that a particular document is irrelevant, and wherein the probability that a particular document is irrelevant is determined by multiplying differences between 100 percent and the weights for each term within the weighted set of terms (see *Specification*, page 18, line 7 through page 19, line 16). The data processing system provides a means for comparing the cumulative weight for each document with a threshold and the data processing system provides a means for selecting the document as a selected document having a weight cumulative weight greater than the threshold (see *Specification*, page 15, line 32 through page 16, line 4 and page 19, line 17 through page 20, line 5).

GROUND OF REJECTION TO BE REVIEWED ON APPEAL

A. GROUND OF REJECTION 1 (Claims 5, 10, 17 and 22)

The Final Office Action rejects claims 5, 10, 17 and 22 under 112, first paragraph, as failing to comply with the written description requirement.

B. GROUND OF REJECTION 2 (Claims 1-4, 6-9, 11-16, 18-21 and 23-24)

The Final Office Action rejects claims 1-4, 6-9, 11-16, 18-21 and 23-24 under 103(a) as being allegedly unpatentable over Law et al. (US 6,754,873 B1) in view of Pant et al. (US 6,012,053) and further in view of Masters (US 2002/0198875 A1).

ARGUMENT

A. GROUND OF REJECTION 1 (Claims 5, 10, 17, and 22)

The Final Office Action rejects claims 5, 10, 17, and 22 under 112, first paragraph, as failing to comply with the written description requirement. This rejection is respectfully traversed.

A.1. Claims 5, 10, 17, and 22

As to independent claims 5, 10, 17, and 22, the Final Office Action states:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the art that the inventor(s), at the time the application was filed, had possession of the claimed invention. There are new matters in claims. Evidence that claim 1 fail(s) to correspond in scope with that which applicant(s) regard as the invention can be found in the reply filed 03/14/2005. In that paper, applicant has stated:

... cumulative rating of the particular Web page is 100 percent minus the probability that the particular Web page is irrelevant, and wherein the probability that the particular Web page is irrelevant is determined by multiplying differences between 100 percent and each of the set of weighted associative terms, see claim 5 page 3-4, and claim 10 pages 4-5, and claim 17 pages 6-7, and claim 22 pages 8;

and these statements indicate that the invention is different from what is defined in the claim(s) because: In the specification filed on 07/26/2001 on page 18, line 10 through page 18, line 15, Applicant provided example, such as a specially weighted coin, in which the probability of heads event is 60 percent and described another example of the associative terms "wine" and "vintner" and "Bordeaux", such as the statistical concepts are used in the generation of the P (cumulative) values. The probability of a candidate page being relative to the interests of the user in one minus the probability that it is irrelevant. Consider the previously mentioned "wine" example with its given P (aw) values. It may be stated that the relevance of a candidate page which does not contain the term "wine", but contains the associative terms "vintner" and "Bordeaux" would be given the P (cumulative) value of $[1 - (1 - .95)(1 - .6)]$ or 98 percent, these static values do not indicate means for formula concept as stated in the newly amended claims 5, 10, 17, and 22. New matter has been added to claims 5, 10, 17 and 22. Clarification and/or correction are required.

Final Office Action dated April 20, 2005, pages 2-4.

Claims 5, 10, 17 and 22 are described in the specification on page 18, line 10 through page 19, line 16. The specification states that "the calculation would be the complete set of

possibilities or 100 percent minus the probability of the event not occurring” on page 18, lines 20-21. Additionally, “one minus the probability that a page is irrelevant” is mathematically equivalent to “100 percent minus the probability that a page is irrelevant.” It would be obvious to a person of ordinary skill in the art that “one” and “100 percent” are mathematically equivalent. Appellants respectfully submit that the calculation described in claims 5, 10, 17, and 22 is not new subject matter and is the same calculation shown in the cited examples. Thus, Appellants respectfully request withdrawal of the rejection of claims 5, 10, 17, and 22 under 112, first paragraph, as failing to comply with the written description requirement. Further, Appellants respectfully submit that claims 5, 10, 17, and 22 contain allowable subject matter.

B. GROUND OF REJECTION 2 (Claims 1-4, 6-9, 11-16, 18-21, and 23-24)

The Final Office Action rejects claims 1-4, 6-9, 11-16, 18-21 and 23-24 under 103(a) as being allegedly unpatentable over Law et al. (US 6,754,873 B1) in view of Pant et al. (US 6,012,053) and further in view of Masters (US 2002/0198875 A1). This rejection is respectfully traversed.

B.1. Claims 1-4, 6, 11, 13-16, 18, and 23

As to independent claims 1, 11, 13, and 23, the Final Office Action states:

In regard to independent claim 1, “processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating”, as taught by ‘873 at col. 7, lines 20-35 (i.e. . . . The list of related web pages can be generated from the forward link set according to the score of the web pages. In other words, the score is an indication of the relatedness to the selected web page and the higher the score, the more related the web page is . . . The displayed list of related web pages can be a predetermined number of the most highly related web pages, web pages that have a score greater than a threshold or any other way of selecting a number of related web pages to display. . .);

“and selecting the Web page as a Web page having a selected cumulative rating greater than a threshold”, as taught by ‘873 at col. 6, lines 10-30 (i.e. . . . FIGS. 5 and 6 . . . the techniques are used in conjunction to generate an accurate list of related web pages. The techniques can be combined by multiplying all the values for a given link in order to determine the final value for the link. As an example, the following table shows the scores that would be generated for each of the web pages of forward link set 218 utilizing this technique: Web Page Links Score . . . One or more of these techniques can also be combined with a measure of text-based similarity of the web pages. . .);

"wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms", as taught by '873 at col. 5, line 64 through col. 6, line 25 (i.e... FIG. 6 shows a technique in which to reduce the importance of the individual links from a web page with relatively many links... FIGS. 5 and 6 ... the techniques are used in conjunction to generate an accurate list of related web pages...

Web Page	Links	Score
213	$(\frac{1}{2}) + (\frac{1}{4})$	0.75
214	$(\frac{1}{4}) + (\frac{1}{3} * \frac{1}{2})$	0.415
215	$(\frac{1}{4}) + (\frac{1}{3} * \frac{1}{2})$	0.415
216	$(\frac{1}{4}) + (\frac{1}{3} * \frac{1}{2})$	0.415 ...

One or more of these techniques can also be combined with a measure of text-based similarity of web pages...).

'873 does not explicitly teach, "receiving at least one user interest term", however as taught by '875 at page 1, paragraph [0007] (i.e... establishing a first search criterion associated with a keyword match between a keyword entry and the identified documents, establishing at least one additional search criterion based on a document attribute of the identified documents...);

"identifying associative terms, wherein associate terms are associated with the at least one user interest term", however as taught by '875 at page 1, paragraph [0007] (i.e... establishing a first search criterion associated with a keyword match between a keyword entry and the identified documents, establishing at least one additional search criterion based on a document attribute of the identified documents...);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '875 into '873 to provide a way, wherein receiving at least one user interest term; then identifying associative terms, wherein associative terms are associated with the at least one user interest term; wherein weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a word-based search criteria so that the search engines, which allowed users to enter words, phrases, and other search criteria so that the search engine can retrieve the hyperlinked documents that best match the user's search criteria with great flexibility, as taught by '873 at col. 1, lines 35-40 (i.e... Word-based search engines allow a user to enter words...);

'873 and '875 do not explicitly teach, "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term", however as taught by '053 at col. 2, lines 25-45 (... relevance for each of the items in the set of search results...).

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '053 into '873 and '875 to provide a way, wherein identifying associative terms; weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms. One of the ordinary skills in the art would have been motivated to perform such a modification to provide a word-based search engines, which could allowed users to enter words, phrases,

and other search criteria so that the search engine can retrieve the hyperlinked documents that best match the user's search criteria with great flexibility, as taught by '873 at col. 1, lines 35-40 (i.e... Word-based search engines allow a user to enter words...). ...

In regard to independent claim 11, is directed to a system for performing the method of claim 1 and is similarly rejected along the same rationale. ...

In regard to independent claim 13-16, and 18-19 consecutively, are directed to a system for performing the method of claims 1-6 consecutively and are similarly rejected along the same rationale. ...

In regard to independent claim 23-24, are directed to a computer program product for performing the method of claims 1, 8 and are similarly rejected along the same rationale.

Final Office Action dated April 20, 2005, pages 4-7 and page 11.

Claim 1, which is representative of the other rejected independent claims 11, 13, and 23 with regard to similarly recited subject matter, reads as follows:

1. A method in a data processing system for selecting a Web page, the method comprising:
 - receiving at least one user interest term;
 - identifying associative terms, wherein the associative terms are associated with the at least one user interest term;
 - weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term;
 - processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating, wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms;
 - and
 - selecting the Web page as a Web page having a selected cumulative rating greater than a threshold. (emphasis added)

Law, Pant, and Masters taken individually or in combination, do not teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term" and "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term," as recited in claims 1, 11, 13, and 23. In addition, with respect to claims 1, 11, 13, and 23, the applied references fail to teach or suggest that "the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms."

Law is directed to techniques for finding related hyperlinked documents using link-based analysis. Backlink and forwardlink sets are used to find web pages that are related to a selected web page. The scores for links from web pages that are from the same host and links from web pages with numerous links can be reduced to achieve a better list of related web pages. Scoring is based on the number of links. As stated in the Final Office Action, *Law* does not teach identifying associative terms or weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms. Thus, *Law* does not teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term" and "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term," as recited in claims 1, 11, 13, and 23. Further, *Law* fails to teach that "the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms," as recited in claims 1, 11, 13, and 23. In *Law*, scoring is based on the number of links. *Law* does not teach identifying or weighting associative terms and therefore, *Law* does not teach that the cumulative rating is based on the set of weighted associative terms.

Pant is directed to a mechanism through which results from a search query are ranked according to user-specified relevance factors to allow the user to control how the search results are presented. The relevance factors are applied to the results achieved for each query. Each item returned by the search has a set of attributes. Examples of these attributes are a date, location, or size of a document or whether a document contains a particular search term. Each attribute is assigned a weight according to a specified relevance factor. For example, a search term that appears in a title may be given a greater weight than the same search term in the normal body text. The weights are combined to provide a score for each item. *Pant* does not teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term," as recited in claims 1, 11, 13, and 23. In addition, *Pant* does not teach or suggest "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term." Also, with respect to claims 1, 11, 13, and 23, *Pant* does not teach or suggest that "the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms."

In the rejection of independent claims 1, 11, 13, and 23, the Final Office Action refers to the following portion of *Pant*:

Accordingly, one aspect of the present invention is a computer system for providing user-controllable relevance ranking of search results from a query on a collection of items of information. The computer system includes a relevance determination module having a first input for receiving a set of search results from a query indicating items in the collection matching the query, a second input for receiving an indication of relevance factors specified by a user, and a third input for receiving information about the items in the set of search results to which relevance factors may be applied. This module has an output for providing an indication of a score indicative of relevance for each of the items in the set of search results. A sorting module has an input which receives the score associated with each item and an indication of the set of search results, and an output providing to the user an indication of the items in the set of search results in an order ranked according to the relevance score of each item.

Other aspects of the invention include the process performed by the computer system to apply the relevance factors to the search results to provide a score for each item in the search results. (emphasis added)

Pant, column 2, lines 25-45.

This portion of *Pant* teaches that there are three inputs to determine the relevance of search results. These inputs are a first input for the query to receive a set of search results, such as a search query; a second input indicating the user-specified relevance factors; and a third input to receive information about the items in the set of search results to which relevance factors may be applied. *Pant* does not teach identifying or weighting associative terms. Claims 1, 11, 13, and 23 recite that associative terms are associated to at least one user interest term. For example, if a user interest term of "Troy Aikman" is received, then associative terms, such as "Dallas Cowboys," "quarterback," and "football" may be identified. *Pant* does not teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term," as recited in claims 1, 11, 13, and 23. In addition, *Pant* does not teach or suggest "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term," as recited in claims 1, 11, 13, and 23.

Additionally, this portion of *Pant* teaches that the relevance factors are applied to the search results to provide a score for each item in the search results. Examples of relevance factors are the location of a search term in a document; the field (such as a footnote or title) that

contains a search term; the frequency of the search term; and the position of the search term within the document. These relevance factors are not associative terms, which are associated with at least one user interest term. *Pant* does not teach or suggest the identifying and weighting steps of claims 1, 11, 13, and 23. In addition, *Pant* does not teach or suggest that the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms, as recited in claims 1, 11, 13, and 23.

Masters is directed to a system and method for searching for documents identified in a database. A first search criterion associated with a keyword match between a keyword entry and the identified document is established. At least one additional search criterion based on a document attribute of the identified documents is also established. A criterion matching score for the identified documents is determined for each of the established search criteria. A scaling factor is associated with each of the established search criteria. An overall matching score is calculated for a selection of the identified documents from the criterion matching scores and associated scaling factors. The selection of identified documents is ordered based upon the calculated overall matching scores. As stated in the Final Office Action, *Masters* does not teach "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term," as recited in claims 1, 11, 13, and 23. Further, *Masters* fails to teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term" and that "the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms," as recited in claims 1, 11, 13, and 23.

In the rejection of independent claims 1, 11, 13, and 23, the Final Office Action refers to the following portion of *Masters*:

[0007] The present invention is directed to a system and method for searching for documents identified in a database, wherein the method comprises the steps of establishing a first search criterion associated with a keyword match between a keyword entry and the identified documents, establishing at least one additional search criterion based on a document attribute of the identified documents, determining a criterion matching score for identified documents for each of the established search criteria, associating a scaling factor with each of the established search criteria, calculating an overall matching score for a selection of the identified documents from the criterion matching scores and scaling factors associated therewith, and ordering the selection of identified documents based upon the calculated overall matching scores.

Masters, paragraph 7.

This portion of *Masters* teaches establishing a first search criterion associated with a keyword match between a keyword entry and the identified documents, and establishing at least one additional search criterion based on a "document attribute" of the identified documents. *Masters* does not teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term," as recited in claims 1, 11, 13, and 23. The following portions of *Masters* describe document attributes:

[0018] Herein, the terms meta data, meta attributes, and document attributes generally correspond to characteristics of a document such as age, number of incoming links, and readability, but generally do not refer to an extent of keyword matching between such document and a keyword search. Herein, the term "search criterion" generally corresponds to a basis for prioritizing a selection of documents from a group of documents, which basis pertains to one of the above-discussed document or meta attributes and/or to an extent to which a document matches a keyword search term. A search criterion relating to a document attribute preferably includes a document attribute query or document attribute search query. A scaling factor may be coupled with such query to indicate a relative weighting of the search criterion with respect to other search criteria forming part of the same search. For example, a search criterion relating to document age could be presented in the following form: 0.5 [Age: more recent], wherein 0.5 is the scaling factor, and the "more recent" is a query indicating a preference for more recent documents. (emphasis added)

[0019] Alternative document attribute queries may be expressed, such as, for instance, where a readability index varies between 0 and 100, a query could be expressed as [readability {30,50}], indicating that only documents in the range of 30 to 50 will match the query. Additional data may be included in the query to indicate a preference for documents with readability indexes closer to one or another end of a stated range. Of course, one or more such ranges could be specified

[0021] Search criteria for use in the present invention may include but are not limited to the number of word-matches identified for user-identified keywords in a document, the age of the document, the number of links leading to the document, the number of links within the document leading to other documents, the length of the document (as measured in words, sentences, pages, or paragraphs), the number of words per sentence, the number of words per paragraph, the language in which the document is written, and the readability of a document. Herein, the term "readability" or "intellectual grade" of a document generally corresponds to the educational requirement needed to comprehend the contents of such document, such as is measured by certain grammatical analysis programs including but not limited to: the Flesch readability index and the Fox index. Such an attribute may be helpful where a user wishes to find documents on a particular subject for a high school student and wishes to avoid retrieving documents requiring a

Master's degree for full comprehension of its contents. Preferably, the readability criterion, where employed, may be employed to screen documents for a range of educational levels. Such readability index is preferably not limited to a one-dimensional measure of intellectual skill. For instance, the readability index could be established to screen for documents according to defined skill levels in different intellectual areas such as, for instance, mathematics, literacy in English, fluency in English or other language, and proficiency in a specialized field such as computer science.

Masters, paragraphs 18-21.

These portions of *Masters* teach that document attributes generally correspond to characteristics of a document. Thus, *Masters* does not teach or suggest identifying associative terms, wherein the associative terms are associated with at least one user interest term. For example, "vintner" and "Bordeaux" may be associative terms for the user interest term "wine" as discussed in the specification. Additionally, *Masters* does not teach or suggest that "the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms," as recited in claims 1, 11, 13, and 23.

Law, *Pant*, and *Masters* fail to teach or suggest "identifying associative terms, wherein the associative terms are associated with at least one user interest term" and "weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term." In addition, *Law*, *Pant*, and *Masters* fail to teach or suggest that "the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms." Therefore, the alleged combination of *Law*, *Pant*, and *Masters* does not teach or suggest these features, as recited in independent claims 1, 11, 13, and 23.

In view of the above, Appellants respectfully request withdrawal of the rejection of claims 1, 11, 13, and 23 under 35 U.S.C. § 103(a). Additionally, *Law*, *Pant*, and *Masters*, taken individually or in combination, do not teach or suggest the features of dependent claims 2-4, 6, 14-16, and 18 at least by virtue of their dependency on independent claims 1 and 13, respectively. Therefore, Appellants respectfully request withdrawal of the rejection of claims 2-4, 6, 14-16, and 18 under 35 U.S.C. § 103(a).

B.2. Claim 8, 9, 12, 20, 21 and 24

As to independent claims 8, 12, 20 and 24, the Office Action states:

In regard to independent claim 8, incorporated substantially similar subject matter as cited in claim 1 above, and further view of the following, and is similarly rejected along the same rationale.

"selecting a document from a group of documents using the weighted set of terms", as taught by '873 at col. 2, lines 15-25 (i.e... generating lists of hyperlinked documents that are related to a given or selected hyperlinked document... A first set of hyperlinked documents that have a forward link to the selected hyperlinked document is provided... Additionally, a second set of hyperlinked documents that are pointed to by the forward links in the hyperlinked documents in the first set is provided... the related hyperlinked documents are displayed in an order based on their score...).

'873 does not explicitly teach, *"assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms; and selecting a document from a group of documents using the weighted set of terms"*, however as taught by '053 at col. 3, lines 40-55 (i.e... a relevance determination module 112 receives the search results 110 from the database query engine 104 and applies pre-specified relevance factors 114 to each of the corresponding items in the search results 110 to obtain scored search results 116. In particular, each of the items in the search results 110 has a set of attributes associated with it, which the module 112 may use the database 102 to access and identify if such information is not made available in the search results 110. Each of these attributes is given a weight according to the specified relevance factors 114. These weights are combined to provide a score for each item. The scored search results are sorted by sorting module 118 to provide ranked results 120 which are provided to a user interface 122 to be output to the user...);

It would have been obvious to a person of ordinary skill in the art at the time the invention was made to have modified '053 into '873 to provide a way, wherein assigning weights to a set of terms, wherein the set of terms is associated with a particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms; and selecting a document from a group of documents using the weighted set of terms. One of ordinary skill in the art would have been motivated to perform such a modification to provide a word-based search engines, which could allowed users to enter words, phrase, and other search criteria so that the search engine can retrieve the hyperlinked documents that best match the user's search criteria with great flexibility, as taught by '873 at col. 1, lines 35-40 (i.e... Word-based search engines allow a user to enter words...).

In regard to independent claim 12, is directed to a system for performing the method of claim 8 and is similarly rejected along the same rationale. ...

In regard to independent claim 20-21 consecutively, are directed to a system for performing the method of claims 8-9 consecutively and are similarly rejected along the same rationale.

In regard to independent claim 23-24, are directed to a computer program product for performing the method of claims 1, 8 and are similarly rejected along the same rationale.

Final Office Action dated April 20, 2005, pages 9-11.

Claim 8, which is representative of the other rejected independent claims 12, 20 and 24 with regard to similarly recited subject matter, reads as follows:

8. A method in a data processing system for processing documents, the method comprising:
assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest; and
selecting a document from a group of documents using the weighted set of terms.
(emphasis added)

Law, Pant, and Masters, taken individually or in combination, do not teach or suggest "assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest," as recited in claims 8, 12, 20, and 24.

The Final Office Action states that *Law* does not teach "assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest." Additionally, *Masters* and *Pant* do not teach or suggest this feature.

In the rejection of independent claims 8, 12, 20, and 24, the Office Action refers to the following portion of *Pant*:

In the invention, a relevance determination module 112 receives the search results 110 from the database query engine 104 and applies pre-specified relevance factors 114 to each of the corresponding items in the search results 110 to obtain scored search results 116. In particular, each of the items in the search results 110 has a set of attributes associated with it, which the module 112 may use the database 102 to access and identify if such information is not made available in the search results 110. Each of these attributes is given a weight according to the specified relevance factors 114. These weights are combined to provide a score for each item. The scored search results are sorted by sorting module 118 to provide ranked results 120 which are provided to a user interface 122 to be output to the user. (emphasis added)

Pant, column 3, lines 40-55.

This portion of *Pant* teaches that a relevance determination module receives the search results from the database query engine and applies pre-specified relevance factors to each of the corresponding items in the search results to obtain scored search results. Each of the attributes associated with an item in the search results is given a weight according to the specified relevance factors. Examples of these attributes are a date, location, or size of a document or whether a document contains a particular search term. *Pant*'s attribute is not a set of terms. Further, *Pant* does not teach assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest, as recited in claims 8, 12, 20, and 24.

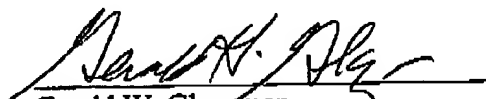
Law, *Pant*, and *Masters* do not teach or suggest "assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest." Therefore, the alleged combination of *Law*, *Pant*, and *Masters* does not teach or suggest this feature, as recited in independent claims 8, 12, 20, and 24.

In view of the above, Appellants respectfully request withdrawal of the rejection of claims 8, 12, 20, and 24 under 35 U.S.C. § 103(a). Additionally, *Law*, *Pant*, and *Masters*, taken individually or in combination, do not teach or suggest the features of dependent claims 9 and 21 at least by virtue of their dependency on independent claims 8 and 20, respectively. Therefore, Appellants respectfully request withdrawal of the rejection of claims 9 and 21 under 35 U.S.C. § 103(a).

B.3. Claims 7 and 19

In addition to the above, Appellants respectfully submit that claims 7 and 19 are independently distinguishable from the *Law*, *Pant*, and *Masters* references. Claim 7 depends from claim 1 and claim 19 depends from claim 13. Claims 7 and 19 additionally recite "identifying additional associative terms using parsing logic, wherein the additional associative terms are associated with at least one subject matter term gathered from a displayed Web page selected by a user." *Law*, *Pant*, and *Masters* do not mention subject matter terms in their

inventions. Therefore, claims 7 and 19 are believed distinguished from the cited references. Appellants respectfully request withdrawal of the rejection of claims 7 and 19 under 35 U.S.C. § 103(a).



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CLAIMS APPENDIX

The text of the claims involved in the appeal are:

1. A method in a data processing system for selecting a Web page, the method comprising:
receiving at least one user interest term;
identifying associative terms, wherein the associative terms are associated with the at least one user interest term;
weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term;
processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating, wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms; and
selecting the Web page as a Web page having a selected cumulative rating greater than a threshold.
2. The method of claim 1 further comprising:
presenting the Web page.
3. The method of claim 1 further comprising:
selecting another Web page from the plurality of Web pages if the another Web page has a cumulative rating greater than the threshold.

4. The method of claim 1, wherein the method is implemented in a browser program.
5. The method of claim 1, wherein the cumulative rating of the particular Web page is 100 percent minus the probability that the particular Web page is irrelevant, and wherein the probability that the particular Web page is irrelevant is determined by multiplying differences between 100 percent and each of the set of weighted associative terms.
6. The method of claim 1, wherein the data structure is a database.
7. The method of claim 1 further comprising:
identifying additional associative terms using parsing logic, wherein the additional associative terms are associated with at least one subject matter term gathered from a displayed Web page selected by a user.
8. A method in a data processing system for processing documents, the method comprising:
assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest; and
selecting a document from a group of documents using the weighted set of terms.

9. The method of claim 8 further comprising:

presenting the document.

10. The method of claim 8, wherein the selecting step comprises:

generating a cumulative weight for each document within the group of documents, wherein the cumulative weight is 100 percent minus the probability that a particular document is irrelevant, and wherein the probability that a particular document is irrelevant is determined by multiplying differences between 100 percent and the weights for each term within the weighted set of terms;

comparing the cumulative weight for each document with a threshold; and

selecting the document as a selected document having a weight cumulative weight greater than the threshold.

11. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to receive at least one user interest term; identify associative terms, wherein the associative terms are associated with the at least one user interest term; weigh the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at

least one user interest term; processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating, wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms; and select the Web page as a Web page having a selected cumulative rating greater than a threshold.

12. A data processing system comprising:

a bus system;

a communications unit connected to the bus system;

a memory connected to the bus system, wherein the memory includes a set of instructions; and

a processing unit connected to the bus system, wherein the processing unit executes the set of instructions to assign weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest; and select a document from a group of documents using the weighted set of terms.

13. A data processing system for selecting a Web page, the data processing system comprising:

receiving means receiving at least one user interest term;

identifying means identifying associative terms, wherein the associative terms are associated with the at least one user interest term;

weighting means weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term;

processing means processing a plurality of Web pages using the set of weighted associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating, wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms; and

selecting means selecting the Web page as a Web page having a selected cumulative rating greater than a threshold.

14. The data processing system of claim 13 further comprising:

presenting means for presenting the Web page.

15. The data processing system of claim 13, wherein the selecting means is a first selecting means and further comprising:

second selecting means for selecting another Web page from the plurality of Web pages if the another Web page has a cumulative rating greater than the threshold.

16. The data processing system of claim 13, wherein the identifying means, weighting means, processing means, and selecting means are located in a browser program.

17. The data processing system of claim 13, wherein the cumulative rating of the particular Web page is 100 percent minus the probability that the particular Web page is irrelevant, and wherein the probability that the particular Web page is irrelevant is determined by multiplying differences between 100 percent and each of the set of weighted associative terms.

18. The data processing system of claim 13, wherein the data structure is a database.

19. The data processing system of claim 13 further comprising:

identifying additional associative terms using parsing logic, wherein the additional associative terms are associated with at least one subject matter term gathered from a displayed Web page selected by a user.

20. A data processing system for processing documents, the data processing system comprising:

assigning means assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest; and

selecting means selecting a document from a group of documents using the weighted set of terms.

21. The data processing system of claim 20 further comprising:
presenting means for presenting the document.
22. The data processing system of claim 20, wherein the selecting means comprises:
generating means for generating a cumulative weight for each document within the group of documents, wherein the cumulative weight is 100 percent minus the probability that a particular document is irrelevant, and wherein the probability that a particular document is irrelevant is determined by multiplying differences between 100 percent and the weights for each term within the weighted set of terms;
comparing means for comparing the cumulative weight for each document with a threshold; and
means for selecting the document as a selected document having a weight cumulative weight greater than the threshold.
23. A computer program product in a computer readable medium for selecting a Web page, the computer program product comprising:
first instructions for receiving at least one user interest term;
second instructions for identifying associative terms, wherein the associative terms are associated with the at least one user interest term;
third instructions for weighting the associative terms in response to an identification of the associative terms to form a set of weighted associative terms based on specified probabilities that the associative terms are relative to the at least one user interest term;
fourth instructions for processing a plurality of Web pages using the set of weighted

associative terms to generate a plurality of cumulative ratings in which each Web page within the plurality of Web pages has a cumulative rating, wherein the cumulative rating for a particular Web page within the plurality of Web pages is based on the set of weighted associative terms; and

fifth instructions for selecting the Web page as a Web page having a selected cumulative rating greater than a threshold.

24. A computer program product in a computer readable medium for processing documents, the computer program product comprising:

first instructions for assigning weights to a set of terms, wherein the set of terms is associated with at least one particular term of interest and wherein each term within the set of terms is associated with a weight to form a weighted set of terms based on specified probabilities that the set of terms is relative to the at least one particular term of interest; and

second instructions for selecting a document from a group of documents using the weighted set of terms.

EVIDENCE APPENDIX

There is no evidence to be presented.

RELATED PROCEEDINGS APPENDIX

There are no related proceedings.